

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Santosh Prakash	Team: Squad #2	CCRB Case #: 202004071	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 06/04/2020 9:30 PM	Location of Incident: Penn Street and Wythe Avenue	Precinct: 90	18 Mo. SOL 12/4/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sat, 06/06/2020 6:17 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 06/06/2020 6:17 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. POM Luis Negron	26287	968665	090 PCT
3. DC Charles Mcevoy	00000	895710	CD OFF
4. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Aaron Husbands	04274	965752	079 PCT
2. DI Timothy Skretch	00000	926130	079 PCT
3. CCA Jeffrey Maddrey	00000	899501	C A B
4. SGT Akil Guy	03541	954274	079 PCT
5. LT Michael Butler	00000	948725	CD OFF
6. LT Henry Daverin	00000	945645	090 PCT
7. DI William Glynn	00000	932718	081 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DC Charles Mcevoy	Force: Deputy Chief Charles Mcevoy authorized the use of physical force against § 87(2)(b)	
B. Officers	Force: Officers struck § 87(2)(b) with batons.	
C. Officers	Force: Officers used physical force against § 87(2)(b)	
D. An officer	Abuse: An officer threatened § 87(2)(b) with the use of force.	
E.POM Luis Negron	Abuse: Police Officer Luis Negron did not obtain medical treatment for § 87(2)(b)	

Case Summary

On June 6, 2020, § 87(2)(b) reported this complaint via the CCRB's call processing system.

On June 4, 2020, at approximately 9:30 PM, § 87(2)(b) was amidst a large gathering of protestors who were met by a line of police officers at the intersection of Penn Street and Wythe Avenue in Brooklyn. Under the authorization of Deputy Chief Charles McEvoy, the officers at the intersection allegedly suddenly charged at the departing civilians without warning and came running at them from the rear with their batons out (**Allegation A: Physical Force – § 87(2)(g)**). § 87(2)(b) turned back and saw two uniformed officers running towards him. The officers allegedly struck § 87(2)(b) on the back with their batons and forcibly took him to the ground (**Allegations B, C: Force: Baton as Club, Physical Force – § 87(2)(g)**). Although § 87(2)(b) was not resisting physically, one of the officers told the other, "Tase him!" (**Allegation D: Threat of Force (Verbal) – § 87(2)(g)**). § 87(2)(b) was handcuffed without being tased.

§ 87(2)(b) was then taken to a large van or bus holding other protestors who had been arrested. § 87(2)(b) realized that he had sustained an injury to his right hand and, as the vehicle made its way to Brooklyn Central Booking, § 87(2)(b) told a nearby escorting officer, identified by the investigation as Police Officer Luis Negron (of the 90th Precinct), that his hand was broken and requested medical attention. Police Officer Negron, however, failed to obtain medical treatment for § 87(2)(b) (**Allegation E: Abuse of Authority: Refusal to Provide Medical Attention – § 87(2)(g)**). After approximately three hours in Central Booking, § 87(2)(b) was released with a summons for violating the Curfew (Board Review 16) and without being provided medical attention. After he was released, § 87(2)(b) went to § 87(2)(b), where he was diagnosed with a fractured finger on his right hand (Board Review 39).

§ 87(2)(b)'s bicycle, from which he was removed by officers as they arrested him, was never returned to him (this allegation is being addressed separately in CCRB case number § 87(2)(b)). The CCRB investigated multiple separate complaints filed by different individuals regarding the actions of officers at Penn Street and Wythe Avenue on the night of June 4, 2020, under case numbers 202004204, 202003962, 202004011, and 20203980.

The CCRB obtained no relevant Body-Worn Camera footage of any police activity at the location (Board Review 22). Video footage was obtained from civilian-recorded sources and surveillance cameras (Board Review 24-36).

Findings and Recommendations

Allegation (A) Force: Deputy Chief Charles McEvoy authorized the use of physical force against § 87(2)(b)

Allegation (B) Force: Officers used physical force against § 87(2)(b)

Allegation (C) Force: Officers struck § 87(2)(b) with batons.

Allegation (D) Abuse of Authority: An officer threatened § 87(2)(b) with the use of force.

§ 87(2)(b) was interviewed by telephone on July 7, 2020 (Board Review 01-02). Witness § 87(2)(b) was interviewed by telephone on November 17, 2020 (Board Review 03). Deputy Inspector Timothy Skretch was interviewed on September 8, 2020 (Board Review 12).

Deputy Chief Jeffrey Maddrey was interviewed on February 10, 2021 (Board Review 14). Deputy Inspector William Glynn was interviewed on March 3, 2021 (Board Review 13). Deputy Chief Charles McEvoy was interviewed on August 12, 2021 (Board Review 15).

Known Facts and Circumstances

The following facts are undisputed: On the evening of June 4, 2020, several hundred individuals were gathered at McCarren Park in Brooklyn to participate in a protest against the recent police-involved death of Minneapolis resident George Floyd. The McCarren Park event ended at some point before 8:00 p.m., the time at which Mayor Bill De Blasio's Curfew Order went into effect for the night. As the attendees dispersed from the park, a large contingent of the protestors continued to march south through Williamsburg, and ultimately arrived at Penn Street and Wythe Avenue. At this intersection, they were met by a line of shielded officers. Pursuant to the Curfew Order, officers broadcasted orders to disperse. At some point after 9:00 PM, the officers at the intersection were mobilized to begin arresting protestors still in the area for Curfew violations. § 87(2)(b) was one of approximately 25 individuals who were arrested at the location. At issue in this section of the complaint are two questions: the identities of the officers who arrested § 87(2)(b) and the lawfulness of their use of force against him.

§ 87(2)(b) stated that the march, having been peaceful and orderly, began to disperse after encountering the police formation at Penn Street and Wythe Avenue. § 87(2)(b) was already moving away from the police line on his bicycle and was heading home with the flow of the dissipating march. Because he happened to be located near the rear of the departing procession, § 87(2)(b) suddenly became aware of police activity behind him. He then turned to see multiple officers with their batons out, charging at the crowd from behind. § 87(2)(b) stopped momentarily to observe that officers were striking people with their batons and detaining them at random. § 87(2)(b) was approached by two uniformed officers, an approximately 6'1" tall heavyset black male and an approximately 5'11" tall heavyset white male, both with their batons drawn. The officers then "lunged" at § 87(2)(b) without issuing any orders whatsoever, and repeatedly struck him with their batons. The officers then forcibly took him down to the ground, at which point the unidentified white male officer got on top of him and began to handcuff him. § 87(2)(b) denied resisting in any manner, but the white male officer kept saying, "Stop resisting!" At one point, the unidentified black male officer stated, "Tase him!" Neither officer though drew or deployed their tasers and § 87(2)(b) was handcuffed without any further force. The two officers then escorted § 87(2)(b) to a large police van nearby carrying numerous other arrested protestors. Once they sent him in to be seated, § 87(2)(b) did not see these two officers again. These officers issued no summonses to § 87(2)(b).

The investigation obtained a witness statement from § 87(2)(b) a complainant/victim in one of the previously discussed related case (202004204). § 87(2)(b)'s account of the sudden mobilization – that he was turning away from the intersection with the rest of the crowd when officers suddenly charged at them from the rear – was consistent with § 87(2)(b)'s. Like § 87(2)(b), § 87(2)(b) was also tackled to the ground and handcuffed by two unidentified officers. As he was on the ground, § 87(2)(b) observed a bearded white male across the street – identified by the investigation as § 87(2)(b) – being tackled to the ground by two uniformed officers. Because § 87(2)(b) was soon escorted to the prisoner bus, he did not see what other actions were taken against § 87(2)(b) and could not describe the arresting officers in any way.

Body-Worn Camera Footage

Requests for all BWC footage pertaining to the police activity at Penn Street and Wythe Avenue

were submitted in this case and in case numbers 202004204, 202003962, 202004011, and 20203980. The NYPD's Legal Bureau, however, found no relevant footage and the request made in this case yielded negative results, as did the requests submitted in the related cases.

Other Video Footage

The combined efforts of the related investigations produced a significant amount of cell phone and surveillance camera footage of the incident at large: 1.) civilian-recorded footage retrieved from Twitter; 2.) cell phone recordings provided by complainant/victims; 3.) and surveillance camera footage from four different surrounding properties. Viewed in their totality, the video footage – particularly those recorded by civilians – helped establish a street-level perspective on Penn Street and Wythe Avenue, from different vantage points and through varying points in time – from the scene as it initially was, with officers lined up in rows at the intersection, to their eventual mobilization to effect arrests. However, the quality and duration of the recordings made it untenable to perform a frame-by-frame or image analysis, whether for officer identification purposes, or for better discerning the nature and sequence of the action depicted. Similarly, none of the surveillance footage captured any aspect of the incident with sufficient clarity: some camera scopes were not wide enough to see a full view of the intersection, while others were obstructed or angled away from the street. § 87(2)(b)'s arrest was not observed in any of the videos provided by his attorney or obtained independently in this case or the related cases.

NYPD Documents Reviewed

Collectively, the separate investigations requested all relevant police documentation pertaining to Penn Street and Wythe Avenue, from the surrounding Precincts, Patrol Borough Brooklyn North, and any Strategic Resource Groups in the area. However, the NYPD found no relevant Threat-Resistance-Injury (TRI), AIDED, or Medical Treatment reports (Board Review 23). Detailed Rosters and Finalized Roll Calls for the zones proximate to the incident location were provided, but in a piecemeal manner and with significant delays (Board Review 21). Additionally, the rosters lacked much of the basic information necessary for subject officer identification. The paperwork showed at least 175 officers (from different commands) as assigned to cover protest-related activity in Brooklyn North, with personnel divided into more than 20 mobile field units, comprised of eight officers each. However, none of the rosters made any reference to assignments near the incident location; rather, the rosters only noted “Cadman Plaza Park” (approximately two miles from Penn Street and Wythe Avenue) or “George Floyd Protests” (with no geographical specifics) as their post descriptions (Board Review 21). Furthermore, the rosters provided little to no information on the tour durations of the deployed teams. No unusual occurrence reports or event memoranda were prepared either (Board Review 21). IAB confirmed that the NYPD had no additional detail rosters to provide.

Ultimately, the CCRB received only two sets of materially useful documents: the Mass Arrest Report (MAR) generated for the incident, listing pedigree and charging information for everyone arrested at Penn Street and Wythe Avenue (Board Review 18); and § 87(2)(b)'s summons for Curfew violation, issued under section 3-108 of the Administrative Code (Board Review 16). The MAR shows that Police Officer Luis Negron and Police Officer Aaron Husbands were designated as the arresting officers overseeing the mass processing and issuance of summonses at Central Booking.

In their CCRB interviews, Police Officer Negron and Police Officer Husbands both stated that they responded to the scene in a back-up capacity and effected no arrests themselves (Board Review 04, 06). Both officers also stated that they were individually instructed, each by a different supervisor

they could not identify, to secure the prisoners in the transport bus, to facilitate their removal to Brooklyn Central Bookings, and to process summons and release the arrested. As a result, Police Officer Negron happened to issue eight summonses that night, including § 87(2)(b)s, even though he was not involved in their apprehension or detention. Neither Police Officer Negron nor Police Officer Husbands observed § 87(2)(b)s arrest or identify the officers who actually arrested § 87(2)(b) or the supervisors who instructed them to issue summonses to him and the other arrested individuals.

Concurrent Investigations

To the CCRB's knowledge, the NYPD did not conduct any concurrent investigations into § 87(2)(b)s allegations.

Ranking Officers

Deputy Inspector Timothy Skretch was interviewed on September 8, 2020. Deputy Chief Maddrey was interviewed on February 10, 2021. Deputy Inspector Glynn was interviewed on March 23, 2021. Deputy Chief McEvoy was interviewed on August 12, 2021.

The above-noted high-ranking officers were interviewed about the allegations specific to this case and each of the related cases, as well as about broader issues concerning the command structure, operational dynamics, and tactical measures in effect at the incident location, before, during, and after the arrests. In substance, the officers all denied witnessing or participating in any use of force during the arrests, though each of them was present at the scene for some period of time. None of the officers recognized § 87(2)(b) by name or photograph, and did not recall interacting with him in any manner on the night of the incident. Deputy Chief McEvoy (who has since retired from the NYPD) identified himself as the commanding officer in charge at the scene; he further stated that he alone issued the order to his officers – including those at or around the line at the intersection – to begin arresting any protestors who were not complying with the Curfew order. Deputy Chief McEvoy was unable to identify who he verbalized this command to, or how it was then communicated to other officers. Neither he nor any of the other ranking personnel were able to name or describe or characterize any of the arresting officers.

Allegation Recitation and Disposition

§ 87(2)(g)

§ 87(2)(g)

Allegation (E) Abuse of Authority: Police Officer Luis Negron did not obtain medical treatment for § 87(2)(b)

It is undisputed that Police Officer Negron was § 87(2)(b)s assigned arresting officer and rode with him to Central Booking, and that at some point § 87(2)(b) informed him that he had a broken finger and needed medical attention. In dispute is whether Police Officer Negron became

aware of § 87(2)(b)'s injury and need for medical attention at the beginning of their acquaintanceship, in the transport to Central Booking, or at the end, several hours later, when Police Officer Negron was releasing him from Central Booking with a summons.

§ 87(2)(b) stated that he first began to feel pain in his right hand shortly before boarding the prisoner bus. During the ride to Central Booking, § 87(2)(b) got the attention of an escorting officer in his vicinity, identified by the investigation as Police Officer Negron. § 87(2)(b) informed Police Officer Negron that he required medical attention and told him that his hand was broken. Police Officer Negron though said something about “seeing a doctor” at Central Bookings, without taking any further action. Even after he was lodged in a cell, Police Officer Negron never followed up with § 87(2)(b) and ultimately never obtained any medical attention for him.

Once released, § 87(2)(b) immediately took a cab to § 87(2)(b), where, as per his medical records, he was X-rayed at approximately 3:53 AM and diagnosed with “a fracture... through his fifth digit with soft tissue swelling.” (Board Review 39) § 87(2)(b) also sustained bruising to his back, knees, and arms, and abrasions to his face and neck.

§ 87(2)(b) was transported to Central Bookings in the same bus as § 87(2)(b) § 87(2)(b) was seated near § 87(2)(b) and specifically recognized § 87(2)(b) whom he did not personally know, as the individual he had seen getting tackled to the ground earlier. § 87(2)(b) stated that § 87(2)(b) repeatedly asked the escorting officer in the bus, Police Officer Negron, for medical attention, stating that his finger was broken.

Police Officer Negron stated that, inside the bus, he counted approximately 24 handcuffed individuals. Police Officer Negron, Police Officer Husbands and two other officers— he did not know or recognize them – joined him. Soon thereafter, a Captain he did not know stopped by and instructed the officers to transport the individuals to Brooklyn Central Booking and issue curfew violation summons to each of them.

When presented with a photograph of § 87(2)(b) Police Officer Negron acknowledged that he was one of the prisoners he summonsed on June 4. Police Officer Negron recalled nothing notable about § 87(2)(b)'s appearance or demeanor and initially said he did not recall him complaining about injuries or requesting medical attention. Police Officer Negron stated that he did not hear § 87(2)(b) do so during the bus ride and denied engaging with him during transport. However, Police Officer Negron went on to state that § 87(2)(b) eventually did inform him – as he was being released and being issued the summons – that he required medical attention because his finger was broken. This was the first time he had raised the complaint in his presence. Police Officer Negron asked § 87(2)(b) if he wanted to be taken to a hospital or if he wished to do so independently upon his release. § 87(2)(b) answered that he wished to go on his own.

Per NYPD Patrol Guide Procedure 210-04, when a prisoner requires or requests medical aid, the officer must request an ambulance and remove the prisoner to a hospital directly from place of arrest (Board Review 40).

§ 87(2)(g)
[REDACTED]

Civilian and Officer CCRB Histories

- 11/11/2016

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- On July 30, 2020, § 87(2)(b) filed a Notice of Claim with the Office of the Comptroller claiming emotional, physical, and mental injuries because of the incident and seeking \$5,000,000.00 as redress (Board Review 41).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 40).

Squad No.: 02

Investigator: /sprakash Inv. Santosh Prakash 10/25/21
Signature Print Title & Name Date

Squad Leader: Alexander Opoku-Agyemang IM Alexander Opoku-Agyemang 10/25/2021
Signature Print Title & Name Date